



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

GD

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,720	01/11/2002	Arnon Amir	ARC920000131US1	1251
23334	7590	03/08/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			NGUYEN, CAM LINH T	
		ART UNIT		PAPER NUMBER
		2161		
DATE MAILED: 03/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/044,720	AMIR ET AL.
	Examiner	Art Unit
	CamLinh Nguyen	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 and 12-35 is/are rejected.
- 7) Claim(s) 11,36 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to claims 1 and 26 are acknowledged. Consequently, rejection to claims 1 and 26 under 35 U.S.C. 112, second paragraph is withdrawn. Claims 1 – 36 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 5, 7 – 10, 12 – 30, 32 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingle et al (U.S. 2002/0138524) in view of Chang et al (U.S. 2003/0050923).

♦ As per claim 1, 26,

Ingle discloses a method comprising:

- “Receiving a query” See page 2, paragraph 0022. The query corresponds to the request that the healthcare professional creates.
- “Separating a plurality of information sources into individual elements of content (EOC)” See page 2, paragraph 0044. Each “document section” or “linguistic structure” corresponds to the “EOC”. “A plurality of information sources” See paragraph 0052.
- “Tagging each EOC with metadata” See paragraph 0054. The metadata corresponds to the type of information that identifies the tag (See paragraph 0056).
- “Pattern matching each EOC” See paragraph 0060, 0056.

- “Providing the EOC to a set of virtual buffers, each EOC being provided to one of the set of virtual buffers that is pre-defined to contain EOC with less than a given distance value between each other” See paragraph 0056 – 0057, Ingle. The “virtual buffer” corresponds to the memory in the assembly engine 108.

Ingle uses an algorithm method to operate the markup document, extracting the required sections from each document, and merges the resulting collections to create the summary document (paragraph 0045 – 0046). However, Ingle does not clearly teach that distance function is applied. On the other hand, Chang et al, discloses method to calculate the similarity between objects.

- “Calculating the distance function from every EOC to every other EOC”

A distance function is applied to measure the similarity between objects (page 4, paragraph 0054, Chang). The distance function also is applied in synthesized data. (page 14, paragraph 0272 – 0273, 0284 – 0286, Chang).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Chang into the invention of Ingle because the combination would provide the user access the information more faster and easier by using the distance function to calculate the similarity between objects and group them together.

♦ As per claim 2, 27,

- “Wherein the plurality of information sources comprises a plurality of content channels”

See paragraph 0052 – 0054, Ingle.

♦ As per claim 3, 28,

- “Wherein the plurality of information sources comprises a plurality of related stories delivered on a single channel at different times” See paragraph 0052 – 0054, 0072, Ingle.

- ◆ As per claim 4 - 5, 15 - 16, 22 – 23, 29 – 30,
 - “Wherein the query is received via a user interface” and “wherein the query is received via an Internet browser” See paragraph 0075, Ingle.
- ◆ As per claim 7, 17, 24, 32,
 - “Wherein the plurality of information sources comprises at least one of: Internet-based, intra-net based, and other online forms of news and information resources; video broadcasts; radio broadcasts; press release forums; and financial forums” see page 3, paragraph 0054.
- ◆ As per claim 8, 33,
 - “Wherein the EOC comprise at least one of: text; video; audio; and digital media” see page 3, paragraph 0053.
- ◆ As per claim 9, 18, 25, 34,
 - “Further comprising the step of creating virtual summary buffers” See page 6, paragraph 0106.
- ◆ As per claim 10, 14, 21, 35,
 - “Further comprising the steps of: concatenating the EOC in each virtual buffer; applying a comparative analysis filter to remove redundant sub-elements; synthesizing summary digests by extracting context-preserving EOC, the EOC having a distance function value less than a predetermined value; and presenting the results as summary digests” See paragraph 0132, Chang. Wherein: “concatenating the EOC in each virtual buffer” corresponds to the clustering of the samples; substitutes the samples with the documents in Ingle and “synthesizing summary digests” (See page 6, paragraph 0106, Ingle).

- ◆ As per claim 12, 19,

With all limitation as in claim 1, further claim 12 include:

- “A digest synthesizing application, wherein the digest synthesizing application, in response to receiving a query” See Fig. 1, paragraph 0022, 0106, Ingle.
- “A result set manager, communicatively coupled to the digest synthesizing application, for providing EOC to a result set” See Fig. 1, paragraph 0022, 0057, 0106, Ingle.

- ◆ As per claim 13, 20,

- “A query handler, for receiving a query” paragraph 0028 – 0029, Chang.
- “A distance calculator, communicatively coupled to the input filter, for calculating the distance function from every EOC to every other EOC” See page 4, paragraph 0054, Chang.

4. Claims 6, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingle et al (U.S. 2002/0138524) in view of Chang et al (U.S. 2003/0050923) as applied to claims 1 – 5, 7 – 10, 12 – 30, 32 - 35 above, and further in view of Bull et al (U.S. 2003/0187726).

- ◆ As per claim 6, 31

The combination of Ingle/Chang fails to disclose: “Wherein the query is received via an agent for pushing relevant information to a user based on a user profile”.

However, Bull et al discloses an information aggregation and synthesis system comprising: an agent and a user profile (See Fig. 2, Bull). The user is presented with a multiple search options such as text search agent (paragraph 0033). A user profile is applied for the next use the information system (page 2, paragraph 0036).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Bull into the combination of Ingle/Chang because the combination would reduce the searching time by using an agent to automatically search for the user request.

Allowable Subject Matter

5. Claims 11, 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the dependent claims 11, 36 include the limitation of “the summary digests comprises color-coded sub-elements of content based on the number of EOC containing that particular sub-element”, taken with the other limitations of the claim, were not disclosed by, would not have been obvious over, nor otherwise fairly disclosed by the prior art of record.

Response to Arguments

7. The declaration filed on 12/02/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the priority date of the combined references.
8. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the priority date of the combined reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The showing of facts

shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference **coupled with due diligence from prior to said date** to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained

9. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the priority date of the combined references to either a constructive reduction to practice or an actual reduction to practice.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam Linh

LN



A handwritten signature in black ink, appearing to read "Alford Kindred".

**ALFORD KINDRED
PRIMARY EXAMINER**